

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Michelle Olivieri

v.

Case No. 08-cv-37-PB

United States of America

O R D E R

The government has filed a motion for an independent psychiatric evaluation of petitioner, Michelle Olivieri. For the reasons set forth in the motion, the court finds reasonable cause to believe that petitioner may have been suffering from a mental disease or defect rendering her mentally incompetent to the extent that she was unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense in the underlying criminal case, United States v. Michelle Olivieri, Criminal No. 05-CR-069-PB.

Accordingly, pursuant to 18 U.S.C. §§ 4241, 4247, and with the consent of the parties, the court commits the defendant to the custody of the United States Attorney General and the United States Marshal shall transfer petitioner to the Butner Federal Correctional Facility located in North Carolina or the Federal Detention Facility, located in Miami, Florida, as accommodations

permit, in order to conduct the requested mental evaluation by a qualified psychiatrist. Counsel shall submit copies of all available and relevant records to the facility where petitioner's evaluation is to occur. Following the conclusion of the evaluation, petitioner shall be returned to the District of New Hampshire by the United States Marshal.

Following such examination, the psychiatrist shall prepare a report to be filed under seal addressing the petitioner's competency. This report shall also take into account any medications the defendant was taking at the time of her plea hearing on November 22, 2005 and sentencing on February 17, 2006.

It is also ordered that no statement made by petitioner during the course of the above-described examination shall be admissible against her on the issue of guilt or innocence in any criminal proceeding.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
U. S. District Judge

May 13, 2008

cc: Glenn Geiger, Esq.
Aixa Maldonado-Quinones, Esq.
United States Marshal
United States Probation